

**Order of the President of the Court of First Instance of 4 April 2006 —
Vischim v Commission**

(Case T-420/05 R)

Application for interim measures — Application for suspension of operation —
Directive 91/414/EEC — Urgency — None

1. *Applications for interim measures — Suspension of operation — Interim relief — Conditions of grant — Urgency — Serious and irreparable damage — Meaning (Arts 242 EC and 243 EC; Rules of procedure of the Court of First Instance, Art. 104(2)) (see paras 66, 71, 77)*
2. *Applications for interim measures — Suspension of operation — Interim relief — Conditions of grant — Urgency — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of procedure of the Court of First Instance, Art. 104(2)) (see para. 73)*
3. *Applications for interim measures — Suspension of operation — Interim relief — Conditions of grant — Urgency — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of procedure of the Court of First Instance, Art. 104(2)) (see para. 81)*
4. *Applications for interim measures — Suspension of operation — Interim relief — Conditions of grant — Urgency — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of procedure of the Court of First Instance, Art. 104(2)) (see para. 89)*

Re:

APPLICATION (i) for suspension of Commission Directive 2005/53/EC of 16 September 2005 amending Council Directive 91/414/EEC to include chlor-othalonil, chlorotuloron, cypermethrin, daminozide and thiophanate-methyl as active substances (OJ 2005 L 241, p. 51) and (ii) for the adoption of certain other interim measures.

Operative part

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

Judgment of the Court of First Instance (First Chamber) of 5 April 2006 — Kachakil Amar v OHIM (longitudinal line ending with a triangle)

(Case T-388/04)

Community trade mark — Figurative mark in the form of a longitudinal line ending with a triangle — Refusal to register — Lack of distinctive character — Acquisition of a distinctive character through use

Community trade marks — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(3)) (see points 39-42)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 20 July 2004 (R 175/2004-1) which refused to register the figurative mark 'Longitudinal line ending with a triangle' as a Community trade mark.